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ſ	APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
	10/047,422	01/14/2002	Tod Michael	10646.345US01	2476
	23552	7590 03/21/2003			
	MERCHANT-&-GOULD PC			EXAMINER	
	P.O. BOX 290 MINNEAPOL	3 .IS, MN 55402-0903		NEUDER, WILLIAM P	
				ART UNIT	PAPER NUMBER
			•	3672	
				DATE MAIL ED: 03/21/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Examiner	· · ·		Application No.	Applicant(s)					
William P Neuder   3672	one de la companya d								
The MAILING DATE of this communication appears on the cover sheet with the correspondence address    Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Educations of turn may be available under the provisions of 3 CFR 1.136(b). In or overt, however, may a reply be timely filed  The part of the provision of the provisions of 3 CFR 1.736(b). In or overt, however, may a reply be timely filed  If the period for may be specified above is less than thirty (70) days, as reply with the statisticy reprised alloys and will argins 81(b) (MONTH'S from the mailing date of this communication.  Filed price for may be specified above is less than thirty (70) days, as reply with the statistic reply within the set or extended priced for reply with, by statistic, cause the specification to become ABANCONED (35 U.S.C. § 113.5).  Filed price to reply within the set or extended priced for reply with, by statistic, cause this application to become ABANCONED (35 U.S.C. § 113.5).  Part of the provision of the set of the set of the set of the mailing date of this communication, even if through filed, may review any summer and set of the mailing date of this communication.  This action is FINAL.  2b This action is non-final.  3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parts Quayle, 1935 c.D. 11, 453 O.G. 213.  Disposition of Claims  4) ③ Claim(s) 1-15.36 and 37 is/are pending in the application.  4) ③ Claim(s) 36 is/are allowed.  6) ☑ Claim(s) 36 is/are allowed.  6) ☑ Claim(s) 36 is/are allowed.  6) ☑ Claim(s) 36 is/are allowed.  7) ☑ Claim(s) 37 is/are rejected.  7) ☑ Claim(s) 39 is/are allowed.  8) □ Claim(s) 39 is/are allowed.  9) □ The specification is objected to by the Examiner.  Application Papers  9) □ The specification is objected to by the Examiner.  4 paper of the proposed drawing correction filed on is allowed.  10) □ This pro		Office Action Summary	Examiner	Art Unit					
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### **DETAILED ACTION**

## Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 37 is rejected under 35 U.S.C. 102(e) as being anticipated by Wentworth et al "887.

Wentworth discloses a sonde housing for use in a drilling tool. Looking at fig. 40, housing body 14 is a one-pieced body with means at each end to couple the body in a drilling tool. A fluid passage 34 extends through the body. First space 131 and second space seen as a frustoconical space at the bottom of 114, extend outwardly from passage 34 and provide fluid communication between the passage 34 and the openings of the ends. Recess 36 receives a sonde and is isolated from the fluid passage.

## Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

- 1. Determining the scope and contents of the prior art.
- 2. Ascertaining the differences between the prior art and the claims at issue.
- 3. Resolving the level of ordinary skill in the pertinent art.
- 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-3 and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wentworth et al "887.

Wentworth is described above. The only difference between claim 1 and claim 37 is that claim 1 calls for the body to multi-pieced and the pieces welded together. While the body of Wentworth et al is one-pieced, it would have been considered an obvius design choice to form the body multi-pieced with the pieces welded since forming a single-pieced member muti-pieced is not normally seen to be patentabe and within the skill of one of ordinary skill in the art. Welding is a normal way to connect

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members and is not seen to add patentable features to these claims. As to claim 2, means 131, and the fruoconical means at the end of 114 define voids which provide fluid communication with the passage 34. As to claim 3, housing door 118 covers the recess 36. As to claim 12, a sonde is placed in the recess and can be aligned to the longitudinal axis of the recess. As to claim 13, the sonde can be rotationally oriented in a number of different positions. Unless applicant claims structure that is used to align the sonde, the sonde of Wentworth can be moved by hand prior to placing the cover 118 which clearly reads on the limitations set forth in these claims. As to claim 14, the cover 118 provides the locking means to secure the sonde in position. As to claim 15, the end pieces of Wentworth while being connected in a drilling tool are not threadable connected. The use of threaded API standard threads to connect drilling means is notoriously well known and it would have been considered obvious to replace the connection means of Wentworth with API threads since API threads are the predominant way of coupling drill string sections together.

### Allowable Subject Matter

Claim 36 is allowed.

Claims 4-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P Neuder whose telephone number is 703-308-2150. The examiner can normally be reached on Tuesday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J Bagnell can be reached on 703-308-2151. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

William P Neuder Primary Examiner Art Unit 3672

W.P>N. March 18, 2003